

REMARKS

Claims 1-14 and 16 are pending in the application. Claim 15 has been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-7, 11 and 13-15 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended Claims 1, 8 and 14 and has cancelled Claim 15 to address each of the pending rejections based on 35 U.S.C. § 112. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-10 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rigney et al (U.S. Pat. No. 6,455,167).

Applicant has amended Claims 1, 8 and 14 to clarify that the ceramic coating of up to 50 mm and that the ceramic coating forms an exposed outer layer. Claim 1 further requires that the ceramic coating is based on ZrO₂. In view of such amendments, Applicant submits that Rigney is no longer useful as the basis of a rejection under 35 U.S.C. § 102(b) in that it fails to teach each and every element of the claims. Reconsideration is respectfully requested.

Claims 1-4, 6-9 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ulion et al (U.S. Pat. No. 5,262,245).

Applicant also submits that Ulion et al is no longer an appropriate basis for a rejection under 35 U.S.C. § 102(b) because it too fails to teach each and every element of the claims as currently amended. Reconsideration is therefore respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 11-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a), as being obvious over Rigney et al. (U.S. Pat. No. 6,455,167). Claims 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ulion et al (U.S. Pat. No. 5,262,245).

Initially, Applicants note that in order to support a rejection under 35 U.S.C. §103, the Examiner must establish that there is some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability, and, thus, the obviousness, of making the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). That is, although the Examiner may suggest that the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the *desirability* of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir. 1989).

Applicant respectfully submits that Rigney et al fails to teach or describe the use of a ceramic coating as the exposed outer layer to protect rumpling as now claimed. To the extent that Rigney et al describes any ceramic coatings, such "coatings" append to the internal layers to preclude oxide differential. Ulion et al, on the other hand, is directed to thermal barrier coatings for super alloys. By their very nature, thermal barriers are relatively thick generally on the order of at least 250 Mm. As noted in the specification as is closed herein, Applicant's invention is directed to controlling rumpling and as a result, Applicant has surprisingly determined that relatively thin ZrO₂ based coatings have been found useful to accomplish this objective. In view of the different purposes of the Rigney and Ulion teachings, applicant submits that the proposed correction fails to establish the appropriate basis for a *prima facie* obvious rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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